

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARTY WALSH,¹

Plaintiff,

v.

KINETICSWARE, INC., et al.,

Defendants.

CASE NO. C10-1852JLR

ORDER

Before the court is the final report and request for release and discharge filed by Robert E. Moore, Jr., the independent fiduciary for the Kineticsware, Inc. 401(k) Plan (“the Plan”). (11/21/22 Report (Dkt. # 96).) No party has opposed Mr. Moore’s request. (*See generally* Dkt.)

On November 11, 2010, Hilda L. Solis, former United States Secretary of Labor and predecessor to Plaintiff Marty Walsh, filed a complaint against Defendants alleging

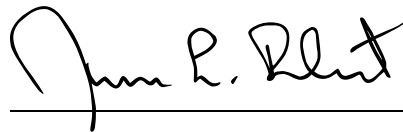
¹ Pursuant to Federal Rule of Civil Procedure 25(d), the caption has been changed to reflect the appointment of Marty Walsh as United States Secretary of Labor.

1 violations of the Employee Retirement Income Security Act of 1974 (“ERISA”), as
2 amended, 29 U.S.C. §§ 1001-1191c, with respect to the Plan. (*See* Compl. (Dkt. # 1).)
3 On January 9, 2012, the court granted the parties’ joint motion to approve a consent
4 judgment in which Defendants acknowledged they breached their fiduciary duties to the
5 Plan. (*See generally* Consent Judgment and Order (Dkt. # 12) at 2.) The Consent
6 Judgment and Order appointed an independent fiduciary responsible for collecting and
7 distributing recouped assets with respect to the Plan. (*See id.* ¶ 6 (appointing Mr.
8 Moore’s predecessor and setting forth the duties of the independent fiduciary); 7/24/18
9 Min. Entry (Dkt. # 71) (appointing Mr. Moore as independent fiduciary).)

10 Mr. Moore now reports that he has completed all distributions to the participants
11 in the Plan and submitted the necessary paperwork regarding the same. (11/21/22 Report
12 ¶ 5.) He further represents that he has completed all of the duties and reports required of
13 the independent fiduciary pursuant to the Consent Judgment and Order. (*Id.* ¶ 10.)
14 Accordingly, he asks the court to release and discharge him from his duties as
15 independent fiduciary. (*Id.* ¶¶ 5, 10.)

16 Having reviewed Mr. Moore’s final report, the Consent Judgment and Order, and
17 the relevant portions of the record, the court GRANTS Mr. Moore’s request to be
18 released and discharged as independent fiduciary in this matter (Dkt. # 96).

19 Dated this 13th day of December, 2022.

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JAMES L. ROBART
United States District Judge